

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
CIVIL No. 22-1276 (DSD/DTS)

Joseph Anthony Favors,

Plaintiff,

v.

**ORDER**

Ryan Reese, et al.,

Defendants.

This matter is before the court upon the Report and Recommendation of United States Magistrate Judge David T. Schultz dated June 17, 2022 (R&R), and the motion for reconsideration of the court's order denying application to proceed in forma pauperis (IFP).<sup>1</sup>

The court reviews R&Rs de novo. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). With respect to a magistrate judge's order on a nondispositive issue, the court will reverse only if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); D. Minn. L.R. 72.2(a).

The R&R recommends that the court dismiss the case without prejudice given plaintiff's failure to comply with the court's order requiring him to pay the filing fee in this matter.

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<sup>1</sup> The court will treat the latter motion as an appeal of the magistrate judge's IFP denial.

Plaintiff objects to the R&R, arguing that he qualifies for IFP status, despite the court's determination to the contrary. Relatedly, he asks the court to reconsider the denial of his IFP application. The court has carefully reviewed the R&R and order denying IFP status and finds them to be correct and based soundly in law and fact. As a result, the court must overrule plaintiff's objection and deny his IFP challenge.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R [ECF No. 16] is adopted;
2. This action is dismissed without prejudice under Fed. R. Civ. P. 41(b) for failure to prosecute;
3. The motion to reconsider denial of application to proceed in forma pauperis [ECF No. 17] is denied.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: July 5, 2022

/S David S. Doty  
David S. Doty, Judge  
United States District Court